



## City of Seattle

Gregory J. Nickels, Mayor

### Department of Planning & Development

Diane M. Sugimura, Director

#### CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING & DEVELOPMENT

**Application Number:** 2005560

**Applicant Name:** Curtis Boozer for the Fremont Dock Company

**Address of Proposal:** 907 N Northlake Way

#### **SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use of a passenger terminal within an existing marina; to be used for loading and unloading ferry tours. The project includes installation of a gate and railing on the existing pier.

Seattle Municipal Code (SMC) requires the following approval<sup>1</sup>:

**SEPA – Environmental Determination** pursuant to SMC 25.05.

**SEPA DETERMINATION:**      ☐ Exempt   ☒ DNS   ☐ MDNS   ☐ EIS

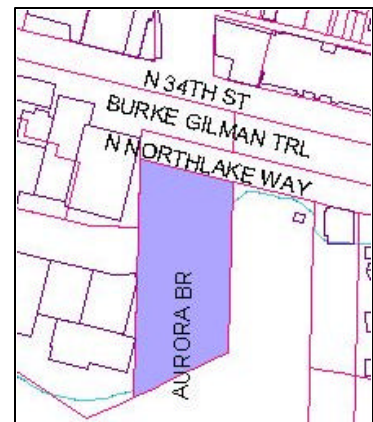
☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
                                         involving another agency with jurisdiction.

#### **BACKGROUND DATA**

##### Site Location and Zoning Designations

The proposal site is located on the northwest shore of Lake Union, near the east opening of the Ship Canal; using the street grid as a reference, the site is south southeast of the intersection of N Northlake Way and Aurora Av N, (below the Aurora Bridge.) The property is within an Urban General (UG) shoreline environment and an underlying Industrial Commercial zone with a 65-ft height limit (IC-65').



<sup>1</sup> DPD has determined that this application is exempt from a Shoreline Substantial Development Permit (SSDP) based on information provided by the applicant. However, this determination does not constitute a waiver from compliance with the Seattle Shoreline Master Program (SSMP) found within Seattle Municipal Code (SMC) 23.60.

### Project Description

The applicant proposes to establish a loading and unloading landing at an existing dock for Seattle Fremont Avenue Ferry Service. Alterations include modification of an existing railing for a new four (4) foot gate and providing a new rub rail as shown in the plans submitted.

### Activity schedule for the passenger terminal, customer parking and vessel characteristics

The landing in Fremont is only for picking-up and dropping-off vessel passengers. The vessel is moored at Fisherman's Terminal.

The passenger landing is expected to experience a minimum of 7 summer and 6 winter, Sunday loadings and unloadings associated a nearly year round hourly scheduled 45 minute narrated Ice Cream Cruise's tour of Lake Union that begins at 11 AM and ends at 5 PM in the summer and 4 PM in the winter. This tour has been running in conjunction with other foot traffic generated by Sunday events in Fremont. Additionally, the passenger landing could be used evenings or weekends for charters; historically associated with birthdays, anniversaries and wedding rehearsal parties. Customers park north of the landing location or in nearby public parking (refer to the MUP Plans for details on the location and number of spaces provided.)

The vessel to be used at the passenger landing is a U.S. Coast Guard inspected small passenger vessel, the M/V Fremont Avenue that is fifty (50) feet in length with a seventeen (17) foot beam and is certified to carry a total of forty-nine (49) passengers on its two (2) decks. The vessel carries standard maritime liability and accident insurance and is manned by a U.S. Coast Guard licensed Master (Captain) and one unlicensed crewman that are First Aid and CPR certified and subject to random drug testing as required by the U.S. Coast Guard. The vessel is powered by a single diesel engine with a top speed of 6.5 knots. The speed limit in Lake Washington, Lake Union and Ship Canal is 7 knots.

### Public Comment

Public notice of the project application was given on October 7, 2002. The required public comment period ended on November 3, 2002. DPD received five comments on this proposal that are available for review in the Master Use Permit file at the Public Resource Center.

### SMC 23.54.015 Required Parking

The minimum number of off-street parking spaces required for specific uses shall be based upon gross floor area, unless otherwise specified, as set forth in Chart A for SMC 23.54.015. In the case of a use not specifically mentioned on Chart A for SMC 23.54.015, the requirements for off-street parking shall be determined by the Director.

In this case where the passenger terminal [landing] is a 10' wide by 37' long deck area (not a structure with gross floor area) that results 370 square feet of area; this area will be used to determine the minimum number of off-street parking spaces required. A passenger terminal (waiting area) requires one (1) space for each one hundred (100) square feet, thus resulting in 4

parking spaces being required<sup>2</sup>. See the *Parking* section below in the **Analysis-SEPA** for the location and number of parking spaces being provided by the proposal.

**SMC 23.60.152 - Development Standards for all Shoreline Environments**<sup>3</sup>

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as... ..fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas, commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels....
- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory

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<sup>2</sup> The General provisions of SMC 23.86.002B requires the next higher full unit of measurement when a fraction over one-half is the result of applying the measurement technique for parking.

<sup>3</sup> DPD has determined that this application is exempt from a Shoreline Substantial Development Permit (SSDP) based on information provided by the applicant. However, this determination does not constitute a waiver from compliance with the Seattle Shoreline Master Program (SSMP) found within Seattle Municipal Code (SMC) 23.60.

routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.

- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.
- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed and as conditioned below, the project complies with the above shoreline development standards. As conditioned, the short-term construction related activities should have minimal effects on migratory fish routes and do not warrant further conditioning.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort DPD developed a Director's Rule 2000-16, to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Therefore, approval of the substantial development permit will be conditioned to require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures.

### **SMC 23.60.780 – Development standards for the UG Environment**

The proposal conforms to all of the development standards for the UG environment. Water-dependent passenger terminals [landings] on private lots are not required to provide public access. (Refer to SMC 23.60.818 and 23.603.944).

### **Conclusion**

SMC Section 23.60.020B.5, provides authority for the Director to attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings).

### **ANALYSIS-SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated September 3, 2002) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

### **Short-Term Impacts**

Construction activities could result in the following adverse impacts: emissions from construction machinery and vehicles; increased dust levels associated with grading and demolition activities; increased noise levels; occasional disruption of adjacent vehicular traffic, and small increase in traffic and parking impacts due to construction workers' vehicles. All of these impacts are minor in scope and of short duration. Several construction-related impacts are mitigated by existing City codes and ordinances (such as the Stormwater, Grading and Drainage Control code and Street Use ordinance, and mitigating measures described above pursuant to the Shoreline Management Program) applicable to the project. Since the proposal site is located in an industrial commercial area, noise impacts would be sufficiently mitigated by the Noise Ordinance and no other measures or conditions are warranted.

### **Long-Term Impacts**

Long-term or use-related impacts are also anticipated from the proposal: increased demand on public services and utilities and increased energy consumption. These long-term impacts are not

considered significant because the impacts are minor in scope. Additional land use impacts which may result in the long-term are discussed below.

### Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. Parking utilization in the vicinity appears to be below capacity on non-Sunday Fremont Market days and on-street parking can be found during the daytime or evening hours. The existing adjacent/onsite surface parking area has forty-five (45) parking spaces and eight (8) parking spaces are located north of the site, on the southern margin of N Northlake Way, for a total of fifty-three (53) parking spaces. The required parking for establishing the passenger terminal [landing] use is four (4) parking spaces. The parking spaces provided are expected to accommodate the parking demand generated by the proposed use; therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

### Summary

In conclusion, no significant adverse effects on the environment are anticipated as a result of the proposal. No conditions are imposed as mitigation to specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

## **CONDITIONS – SEPA**

### During Construction

1. The owner(s) and/or responsible party (ies) shall take care to prevent debris from entering the water during construction and to remove debris promptly if it does enter the water. Materials and construction methods shall be used which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction. Appropriate equipment and material for hazardous material cleanup must be kept at the site.
2. All disposed materials must be deposited in a landfill, which meets the liner and leachate standards of the Minimum Functional Standards, Chapter 173-304 WAC.

Signature: \_\_\_\_\_ (signature on file) Date: October 11, 2004  
Colin R. Vasquez, Land Use Planner  
Department of Planning & Development

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